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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,563	07/27/2001	Moshe Weiner	Q64293	7523
<div>7590 12/08/2009</div> <div>Charles N. J. Ruggiero OHLANDT GREELEY RUGGIERO &amp; PERLE L. L. P. One Landmark Square 10th Floor Stamford, CT 06901-2682</div>				
EXAMINER				
ZIA, SYED				
ART UNIT		PAPER NUMBER		
2431				
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12/08/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/915,563

**Applicant(s)**

WEINER, MOSHE

**Examiner**

SYED ZIA

**Art Unit**

2431

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-6, 8-18, 47-49 and 53 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 4-6, 8-18, 47-49 and 53 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SE/C.3)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

This action is in response to the remarks and amendments filed September 15 2009. Claims 1, 4-6, 8-18, 47-49, and 53 are pending for consideration.

### ***Response to Arguments***

Applicant's arguments filed on September 15 2009 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claim 1 applicants argued that “*None of the LaDue publication, the Halloran et al. patent, or the Soloff patent mention a conversion of handwritten characters into text. Consequently, the cited combination of references neither discloses nor suggests a character recognition device operable to recognize handwritten characters provided in messages and convert the hand written characters into text, wherein the communication device transmits the messages, with the text therein, via a communication network, as recited in claim 1*”.

This is not found persuasive. The system of cited prior art clearly teaches a system and method where the communication data is encoded into several data frames, such that the data frames have the same frame format. The data frames are then transmitted through a wireless digital voice communication network. The data frames are then decoded for reconstructing the communication data. This enables providing an

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ASCII text file in the form of compressed video files through an unaltered digital air interface speech channel and ADPCM digital speech circuit.

As a result, cited prior art does implement and teach a system that relates image messaging in a communication network.

Applicants clearly have failed to identify specific claim limitations, which would define a patentable distinction over prior arts.

Therefore, the examiner asserts that cited prior art(s) does teach or suggest the subject matter recited in independent and dependent claims. Accordingly, rejections for claims, 1, 4-6, 8-18, 47-49, and 53 are respectfully maintained.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4-6, 8-18, 47-49, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaDue (US Pub. #2003/0133423) in view of Halloran et al. (US Patent #5,966,667) and further in view of Soloff (US Patent #5,023,718).

With regards to claims 1, 4-6 and 8-16, LaDue discloses a communication device comprising:

a master microprocessor; (see ¶124)

a security identity module operably connected to the master microprocessor through a bus; (see ¶124)

With regards to claim 1, LaDue does not expressly disclose a buffering device operable to communicate with said master microprocessor, wherein said master microprocessor is operable to receive messages from the buffering device or the security identity module, and wherein said buffering device is operably connected to a bus between the master microprocessor and the security identity module. LaDue does include that a microprocessor and SIM are connected by a bus, and also a buffering device (figure 4, DRAM 333b) connected to the microprocessor by a different bus.

However, Halloran et al. disclose a mobile telephone which features a bus connecting the SIM (SIM contacts 190), processor 166, and memory (buffer) devices (note the various address and data connections to the processor) in figure 1B, and column 4, lines 33-55). LaDue and Halloran are clearly analogous art, as both are directed to mobile communications devices which are SMS-enabled. At the time of the invention, it would have been obvious to one skilled in the art to apply the teachings of Halloran to the disclosure of LaDue to create a communication device comprising a master microprocessor, a SIM operably connected to the master microprocessor through a bus, and a buffering device, all on the same bus.

With regards to claim 1, neither LaDue nor Halloran expressly discloses that the buffering device comprises a microprocessor. However, Soloff discloses a system for storing digital video signals in which a store controller 24 of the memory device controls the write enable generators 22 and output enable generators 23. As stated at column 3, lines 57-63, this controller, which comprises part of the memory device depicted by the

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figure, “may comprise a microprocessor”. At the time of the invention, it would have been obvious to one skilled in the art that the memory device comprising a microprocessor as taught by Soloff could be substituted with the memory (buffer) device present in the combination of LaDue and Halloran as described above, with predictable results.

With regards to claims 17, 18, 49, and 53 LaDue discloses the communication device as set forth in claim 1:

wherein said buffering device is further operable to receive standard SMS messages input on the communication device and free-hand created messages input using a free-hand compatible data entry device. (see ¶86 – the invention deals with reading a standard SMS message from the user and transmitting it in a modified way, i.e. the SMS message “received” by the buffering device is standard)

Further regarding claim 49, LaDue does not expressly disclose converting a received message into a freehand drawn message. However, LaDue discloses transmission of SMS messages, including those created on a free-hand compatible data entry device (note the PDA of figure 23). At the time of the invention, it would have been obvious to one skilled in the art that if the device is able to send such messages, it would also be able to receive them.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sz

November 30, 2009

/Syed Zia/

Primary Examiner, Art Unit 2431